REMARKS

This Amendment is responsive to the Final Office Action dated May 3, 2004.

The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 1-18 were pending in the application. In the Final Office Action, claims 1-18 were rejected. In this Amendment, claims 1, 5, 9, 12 and 16 have been amended. Claims 1-18 thus remain for consideration.

Applicants submit that claims 1-18 are in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

§103 Rejection

Claims 1-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vynne et al. (U.S. Patent 5,960,081) in view of Cohen (U.S. Patent 6,389,032 B1).

Applicants respectfully submit that the independent claims (claims 1, 5, 9, 12 and 16) are patentable over Vynne and Cohen.

Applicants' invention as recited in the independent claims is directed toward an additional information embedding apparatus and method, and an additional information detecting apparatus and method. Specifically, plural pieces of additional data of different significance levels and different sizes are embedded within a video signal as watermark information. Each of

the claims recites that the size of the embedded watermark information is controlled according to the significance level of the corresponding additional data. For example, claim 1 recites in pertinent part: "controlling the size of a embedding part of a video signal for each of said electronic watermark information in accordance with the significance degree of the corresponding additional information."

Neither Vynne nor Cohen discloses controlling the size of a embedding part of a video signal for each of the electronic watermark information in accordance with the significance degree of the corresponding additional information.

Vynne simply states that the inputs to the embedding part 214 are a motion picture signal 213, a signature 217 and a secret key 219 (column 12, lines 1-4), and thus merely describes the various pieces of additional information that are embedded onto a signal. Vynne does not teach or suggest controlling the size of an embedding part of a watermark, let alone controlling the size of an embedding part of a watermark based on the significance degree of corresponding additional data. Indeed, the Examiner admits that Vynne: "does not explicitly teach controlling the size of the embedding part of the watermark." (paragraph 7 of the present Final Office Action).

Cohen, discloses that jitter is calculated as the difference between the current size of a buffer and the size of the buffer in a previous invocation of the update procedure and if the jitter is relatively small, for example, less than half of the watermark size, then the watermark size may be reduced as indicated in block 108, preferably to about twice the size of the jitter (column 6, lines 6-56). As a result, the size of the buffer changes in accordance with the size of the watermark and not in accordance with a significance degree of the corresponding additional information, as instantly claimed.

Therefore, neither Vynne nor Cohen discloses controlling the size of a embedding part of a video signal for each of the electronic watermark information in accordance with the significance degree of the corresponding additional information. Accordingly, Applicants believe that claims 1, 5, 9, 12 and 16 are patentable over Vynne and Cohen – taken either alone or in combination – on at least this basis.

Claims 2-4 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2-4 are believed to be patentable over the cited references on the basis of their dependency on claim 1.

Claims 6-8 depend on claim 5. Since claim 5 is believed to be patentable over the cited references, claims 6-8 are believed to be patentable over the cited references on the basis of their dependency on claim 5.

Claims 10 and 11 depend on claim 9. Since claim 9 is believed to be patentable over the cited references, claims 10 and 11 are believed to be patentable over the cited references on the basis of their dependency on claim 9.

Claims 13-15 depend on claim 12. Since claim 12 is believed to be patentable over the cited references, claims 13-15 are believed to be patentable over the cited references on the basis of their dependency on claim 12.

Claims 17 and 18 depend on claim 16. Since claim 16 is believed to be patentable over the cited references, claims 17 and 18 are believed to be patentable over the cited references on the basis of their dependency on claim 16.

Applicants submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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